

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	
	:	
RICHARD PAUL GLUNK,	:	CHAPTER 7
	:	
Debtor.	:	Case No. 05-31656(KJC)
	:	
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	:	
DANIEL H. FLEDDERMAN and	:	
COLLEEN M. FLEDDERMAN,	:	Adversary Proceeding
Co-Administrators of the Estate of Amy	:	
Marie Fledderman, Deceased and	:	
COLLEEN M. FLEDDERMAN in her own right,	:	
	:	
Plaintiffs,	:	No. 06-
v.	:	
	:	
RICHARD P. GLUNK, M.D., <i>et al.</i>	:	
	:	
Defendants.	:	
	:	
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**NOTICE OF REMOVAL**

Richard Paul Glunk (“Debtor”), by and through his undersigned counsel, Weir & Partners LLP, hereby submits this Notice of Removal pursuant to Rule 9027 of the Federal Rules of Bankruptcy Procedure, 28 U.S.C. §1452(a) and 28 U.S.C. §157(a)(d) and (e), and in support hereof states the following:

1. On August 31, 2005, the Debtor filed a voluntary petition (the “Petition”) for relief under Chapter 7 Title 11 of the United States code (the “Bankruptcy Code”) thereby commencing this bankruptcy case (the “Debtor’s Case”).

2. Prior to the filing of the Petition, Daniel H. Fledderman and Colleen M. Fledderman as co-administrators of the Estate of Amy Marie Fledderman, deceased, and Colleen

M. Fledderman in her own right, (“Fleddermans”) filed commenced two separate Civil Actions in the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania (the “State Court”) against, among other defendants, the Debtor, which seek a judgment for money damages. The first filed case is captioned Fledderman v. Glunk, *et al.*, August Term, 2001, Case No. 3619 and the second filed case is captioned Fledderman v. Glunk, *et al.*, February Term 2002, Case No. 1942 (the “Civil Actions”).

3. By order dated August 2, 2002, the State Court ordered that the Civil Actions be consolidated for all purposes under the caption of the earliest case filed: Fledderman v. Glunk, *et al.*, August Term, 2001, Case No. 3619 .<sup>1</sup>

4. The Notice filed with this Court is accompanied by a copy of the pleadings filed in each of the Civil Actions in accordance with Rule 9027(a)(1) of the Federal Rules of Bankruptcy Procedure. The pleadings filed in Fledderman v. Glunk, *et al.*, August Term, 2001, Case No. 3619 are attached hereto as Exhibit “A”. The pleadings filed in Fledderman v. Glunk, *et al.*, February Term 2002, Case No. 1942 are attached hereto as Exhibit “B”.<sup>2</sup>

5. A copy of the certified copy of the Docket in each of the Civil Actions is attached hereto as Exhibit “C”.

6. The Civil Actions, including all claims asserted therein, are civil actions other than a proceeding before the United States Tax Court, and is not a civil action by a governmental unit to enforce such governmental unit's police or regulatory powers.

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<sup>1</sup> However, in an abundance of caution, and since the State Court parties, for reasons unknown to the undersigned counsel, continued to file documents in both of the Civil Actions even after consolidation, Debtor is removing both of the Civil Actions.

<sup>2</sup> The various preliminary objections filed in the Civil Actions are not attached hereto because they are voluminous and largely repetitive as many of the exhibits attached thereto are the other pleadings filed in the Civil Actions. Should the Court require such additional, but voluminous documentation, or any additional documentation, the Debtor will immediately provide the Court such documentation.

7. The Civil Actions are civil proceedings directly related to the Debtor's Case under Chapter 7 as they relate directly to the issue of whether the claims against the Debtor's estate by the Fleddermans are dischargeable by the Debtor. A separate adversary proceeding has been filed which requests that the Debtor not be discharged from any liability relating from the incident described in the Civil Actions.

8. Accordingly, the Bankruptcy Court presiding over the Debtor's Case has jurisdiction over each and every cause of action asserted in each of the Civil Actions pursuant to 28 U.S.C. §1334(b) and 28 U.S.C. §157.

9. The claims and causes of action raised in the Civil Actions will directly impact the scope and extent of the discharge to which the Debtor is currently entitled. The resolution of these issues will necessarily effect the administration of the Chapter 7 estate. The Civil Action are core proceedings under 28 U.S.C. § 157(b)(2)(A),(I) and (O). In the event that any claim or cause of action asserted in the Civil Actions is determined to be non-core, the Debtor does not consent to the entry of a final order of judgment by the Bankruptcy Judge.

10. This notice is filed within 30 days after the entry of an order terminating the automatic stay as to the claims and causes of action asserted in the Civil Actions, which Order was entered on June 12, 2006 and therefore this notice is being filed in accordance with Bankruptcy Rule 9027(a)(2)(B). A true and correct copy of the Order is attached hereto as Exhibit "D". Prior to the entry of the Order on June 12, 2006, the Civil Actions and all claims and causes of action asserted therein were stayed pursuant to Bankruptcy Code Section 362. A true and correct copy of the Notice of Filing of Notice of Removal filed with the State Court in each of the Civil Actions is attached hereto as Exhibit "E" and made a part hereof.

WHEREFORE, the Debtor, Richard Paul Glunk respectfully requests that further proceedings in the Civil Actions in the State Court be discontinued and that the entire Civil Action be removed to the United States Bankruptcy Court for the Eastern District of Pennsylvania, and that this Court assume full jurisdiction over the Civil Actions as provided by law.

WEIR & PARTNERS LLP

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Dated: July 11, 2006